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84

O:T.LINEUP/MOYER

HARAWAY CASE

TOMMY WARD LINEUP NOV 19TH 1984

ON MONDAY NOV.19TH 1984 A SEVEN MAN LINEUP WAS HELD IN THE BASEMENT OF THE ALA POLICE DEPT.PRESENT IN THE VIEWING ROOM WERE JIM MOYER(WITNESS),CHRIS ROSS(D.A.OFFICE),DANNY BARRETT AND MIKE BASKIN(ADA P.D.),DON WYATT(DEFENSE ATT.),GARY ROGERS(OSBI)CONDUCTED THE LINEUP.RAY FARMER(ECU SECURITY) WAS SEATED OUTSIDE THE VIEWING ROOM.

SHORTLY BEFORE 7:00PM ALL MEN WERE DRESSED IN WHITE PONTIAC CO.PRISONER COVERALLS.ALL MEN WERE LINED UP IN FRONT OF A ONE WAY GLASS.AT 7:20PM JIM MOYER ENTERED THE VIEWING ROOM. EACH MAN WAS ASK TO STEP UP THEN STEP BACK. ASK TO FACE RIGHT-FACE FORWARD-FACE LEFT-FACE FORWARD.ROGERS ENTERED THE VIEWING ROOM AND ASK EACH MAN IF HE WANTED TO SEE ANYONE CLOSER.MOYER SAID #4 ROGERS HAD #4 TO STEP FORWARD-FACE RIGHT-FACE FORWARD-FACE LEFT-FACE FORWARD-STEP BACK.

AT 7:24 MR.MOYER RE-ENTERED THE VIEWING ROOM.ROGERS ASK ALL MEN TO PULL THEIR HAIR OVER THEIR EARS.ROGERS ASK EACH MAN TO TURN RIGHT,THEN HALF LEFT-TURN RIGHT THEN HALF RIGHT-FACE FORWARD-TURN LEFT,THEN HALF LEFT-TURN RIGHT,THEN HALF RIGHT-FACE FORWARD.

AFTER THE LINEUP MOYER SAID #4 STUCK OUT AS BEING THE GUY HE SAW THAT NIGHT.HE POSSIBLY KNEW #4 BECAUSE HE HAD A CLASS WITH HIM.HE PICKED #2 BECAUSE THE MAN HE SAW THAT NIGHT HAD HAIR LIKE #2'S HAIR.

D.M.BARRETT
REPORTING OFFICER
11-19-84

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OSBI 0373

O:T.LINEUP/WISE

HARAWAY CASE

TOMMY WARD LINEUP NOV, 19TH 1984

ON MONDAY NOV, 19TH 1984 A SEVEN MAN LINEUP WAS HELD IN THE BASEMENT AT THE ADA POLICE DEPT. PRESENT IN THE VIEWING ROOM WERE KAREN WISE (WITNESS), CHRIS ROSS (D.A. OFFICE), DANNY BARRETT AND MIKE BASKIN (ADA P.D.) DON WYATT (DEFENCE ATT.), GARY ROGERS (OS31) CONDUCTED THE LINEUP. RAY FARMER (ECU SECURITY) WAS SEATED OUTSIDE THE VIEWING ROOM.

SHORTLEY BEFORE 7:00PM ALL MEN WERE DRESSED IN PONTIAC CO. PRISONER COVERALLS. ALL MEN WERE LINED UP IN FRONT OF A ONE WAY GLASS. AT 7:26PM KAREN WISE ENTERED THE VIEWING ROOM. EACH MAN WAS ASK TO STEP UP THEN STEP BACK. ALL MEN WERE ASK TO TURN RIGHT-FACE FORWARD-TURN LEFT-FACE FORWARD. GARY ROGERS ENTERED THE VIEWING ROOM AND ASK KAREN WISE IF SHE WANTED TO SEE ANYONE CLOSER. SHE SAID THERE WAS A COUPLE SHE MAY HAVE WAITED ON AND ASK TO SEE #4 CLOSER. ROGERS LEFT THE ROOM AND ASK #4 TO STEP UP-FACE RIGHT-FACE FORWARD-FACE LEFT-FACE FORWARD-STEP BACK. AFTER THE LINEUP WAS COMPLETED KAREN WISE SAID "THAT NIGHT #4 STANDS OUT IN MY MIND AS BEING ONE OF THE GUYS THAT I SERVED THAT NIGHT, I REALLY THINK THAT'S THE GUY". KAREN SAID "HE DOES'NT LOOK THE SAME, HE'S HOLLOWED EYED AND HIS HAIR IS DIRTY". KAREN SAID "A MOUSTACHE, IT DOES'NT STAND OUT IN MY MIND".

D.W. BARRETT
REPORTING OFFICER
11-19-84

O:T. LINEUP/PASCHAL

HARAWAY CASE

LINEUP/PASCHALL

11-8-84 7:30PM 7 MAN LINEUP HELD IN THE BASEMENT AT THE ADA POLICE DEPT. PRESENT IN THE VIEWING ROOM WERE DET. JAMES FOX, ASST. D.A. CHRIS ROSS, DON WYATT, AND JACK PASCHALL.

BEFORE 7:30PM ALL MEN WERE DRESSED IN WHITE COATS WITH PONTIAC CO PRISONER ON THE BACK. ALL MEN WERE LINED UP IN FRONT OF A ONE WAY GLASS. AT 7:30PM JACK PASCHALL ENTERED THE VIEWING ROOM. EACH MAN WAS ASK TO STEP UP THEN STEP BACK. MR. PASCHALL SAID THAT HE HAD SEEN #1 ON CAMPUS. HE DID NOT KNOW HIS NAME BUT KNEW HIS FACE. ALL MEN WERE ASK TO TURN RIGHT-FACE FORWARD-TURN LEFT-FACE FORWARD.

GARY ROGERS THEN ENTERED THE VIEWING ROOM AND ASK PASCHALL IF HE WANTED TO SEE ANYONE OF THEM CLOSER OR TO DO ANYTHING. PASCHALL SAID NO. ROGERS STEPPED OUT OF THE ROOM AND ASK #6 TO STEP FORWARD-TURN RIGHT-FACE FORWARD-TURN LEFT-FACE FORWARD-STEP BACK.

ROGERS ENTERED THE VIEWING ROOM AND ASK PASCHALL IF HE WANTED ANYONE ELSE TO DO ANYTHING OR IF PASCHALL WOULD LIKE THEM TO STEP CLOSER. PASCHALL SAID HE WOULD LIKE FOR THEM TO STEP CLOSER. ROGERS STEPPED OUT AND ASK ALL OF THE MEN TO STEP FORWARD ABOUT 5 OR 6 STEPS. ALL STEPPED FORWARD. ALL WERE ASK TO TURN RIGHT-FACE FORWARD-TURN LEFT-FACE FORWARD. ROGERS ASK PASCHALL IF THERE WAS ANYTHING ELSE. PASCHALL SAID NO. ALL MEN WERE ASK TO TURN FACING THE WALL. AT 7:35PM JACK PASCHALL LEFT THE VIEWING ROOM. DET. BASKINS TOOK PICTURES OF THE SEVEN MAN LINEUP.

JAMES FOX (DWB)
11-8-84

HARAWAY CASE

REFERENCE: SEVEN MAN LINE UP WITH KARI FONTENOT ON 12-11-84 AT 7:37PM. PRESENT IN THE VIEWING ROOM WAS JIM MOYER (W), GEORGE BUTNER (DEFENSE ATTORNEY), CHRIS ROSS (ASST. D.A.), GARY ROGERS (O.S.B.I.), AND JAMES FOX (DET).

MR. JIM MOYER ENTERED THE VIEWING ROOM AT 7:37PM. GARY ROGERS BROUGHT IN THE SEVEN MEN IN THE LINE UP AND HAD THEM STAND IN FRONT OF THE VIEWING MIRROR, ABOUT 15'. THEY WERE ALL WEARING WHITE COVERALLS WITH PONTOTOC CO. PRISONER ON THE BACK.

GARY ROGERS ASK EACH MAN IN THE LINE UP 1 THRU 7 TO STEP UP ONE STEP AND THEN STEP BACK IN LINE. THEN GARY ASK ALL THE MEN IN THE LINE UP TO TURN RIGHT, (PAUSE), FACE FORWARD, (PAUSE), TURN LEFT, (PAUSE), FACE FORWARD.

GARY ENTERED THE VIEWING ROOM AND ASK MR. MOYER "ANY DISTANCE YOU WANT TO SEE THEM FROM OR WALK AROUND". MR MOYER SAID "YEA, WALK AROUND".

GARY LEFT THE VIEWING ROOM AND ASK THE LINE UP TO FACE RIGHT, (PAUSE), FACE RIGHT AGAIN AND WALK TO THE WALL, ABOUT 30' FROM THE VIEWING MIRROR, PAUSE, FACE FORWARD. GARY THEN ASKED EACH MAN IN THE LINEUP 1-7 TO STEP FORWARD ONE STEP, TURN RIGHT, PAUSE, FACE FORWARD, PAUSE BACK TO LINE UP. ALL MEN WERE TOLD TO FACE THE WALL AND GARY ENTERED THE VIEWING ROOM AND ASKED MR. MOYER, CHRIS ROSS, GEORGE BUTNER TO STEP INTO HIS OFFICE. THEY LEFT THE VIEWING ROOM AT 7:44 PM. AT 7:46 PM THEY RETURNED TO THE VIEWING ROOM AND GARY ASKED THE MEN IN THE LINEUP TO STAND IN FRONT OF THE VIEWING MIRROR ABOUT 10' TO 12' AWAY. ALL THE MEN STOOD THERE FOR A COUPLE OF MINUTES AND THEN GARY ENTERED THE VIEWING ROOM AND ASKED MR. MOYER "ANYTHING ELSE OR WILL THAT SATISFY YOU". MR. MOYER SAID "YES". THEY LEFT THE VIEWING ROOM AT 7:50 PM AND RETURNED TO GARY'S OFFICE. THE LINE UP WALKED OVER AT 7:50 PM AND GARY TOOK PICTURES OF THE LINE UP. MR. FONTENOT WAS IN THIS LINE UP. LEFT TO RIGHT 1-7.

SGT. JAMES D. FOX
12-11-84

HARAWAY CASE

REFERENCE: SEVEN MEN LINE UP WITH KARL FONTENOT ON 12-11-84 AT 7:32PM. PRESENT IN THE VIEWING ROOM WAS KAREN WISE, (W), GEORGE BUTNER (DEFENSE ATTORNEY), CHRIS RUSS (ASST. D.A.), GARY ROGERS (U.S.B.I.), AND JAMES FOX (DET). MS. KAREN WISE ENTERED THE VIEWING ROOM AT 7:32PM. GARY ROGERS BROUGHT IN THE SEVEN MEN IN THE LINE UP AND HAD THEM STAND IN FRONT OF THE VIEWING MIRROR ABOUT 15'. THEY WERE ALL WEARING WHITE COVERALLS WITH F. B. I. CO. PRISONER ON THE BACK.

GARY ROGERS ASK EACH MAN IN THE LINE 1 THRU 7 TO STEP UP ONE STEP AND THEN STEP BACK IN LINE. THEN GARY ASK ALL THE MEN IN THE LINE UP TO TURN RIGHT, (PAUSE), FACE FORWARD (PAUSE), TURN LEFT, (PAUSE), FACE FORWARD. GARY ENTERED THE VIEWING ROOM AND ASK MS. WISE "DO YOU WANT ANY ONE OF THEM TO SAY ANYTHING". MS. WISE SAID "I CAN'T TELL ANY ONE OF THEM". GARY THEN ASK MS. WISE, GEORGE BUTNER AND CHRIS TO STEP INTO HIS OFFICE. ALL LEFT THE VIEWING ROOM AT 7:35PM. THE MEN IN THE LINE UP REMAINED TO STAY IN ROOM. LINE UP WAS LEFT TO RIGHT, 1-7. MR. FONTENOT WAS IN THIS LINE UP.

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Sgt. JAMES D. FOX
12-11-84

HARAWAY CASE

REFERENCE: SEVEN MAN LINE UP WITH KARL FONTENOT ON 12-11-84 AT 7:24PM. PRESENT IN THE VIEWING ROOM WAS JACK PASCAL (W), GEORGE BUTNER (DEFENSE ATTORNEY), CHRIS ROSS (ASST. D.A.), GARY ROGERS (O.S.P.I.), AND JAMES FOX (DET).

MR. JACK PASCAL ENTERED THE VIEWING ROOM AT 7:24PM. GARY ROGERS BROUGHT IN THE SEVEN MEN IN THE LINE UP AND HAD THEM STAND IN FRONT OF THE VIEWING MIRROR, ABOUT 20'. THEY WERE ALL WEARING WHITE COVERALLS WITH PONTIAC CO. PRISONER ON THE BACK.

GARY ROGERS ASK EACH MAN IN THE LINE 1 THRU 7 TO STEP UP ONE STEP AND THEN STEP BACK IN LINE. THEN GARY ASK ALL THE MEN IN THE LINE UP TO TURN LEFT, (PAUSE), FACE FORWARD, (PAUSE), TURN RIGHT, (PAUSE), FACE FORWARD. DURING THE SECOND PAUSE, MR. PASCAL SAID "SORRY, I DON'T THINK I CAN BE ANY HELP."

KARL ENTERED THE VIEWING ROOM AND ASK MR. PASCAL IF HE WOULD LIKE TO SEE ANYONE DO ANYTHING OR SEE THEM ANY CLOSER. MR. PASCAL SAID MAYBE. GARY STEPPED OUT OF THE VIEWING ROOM AND ASK #1 TO STEP UP A LITTLE CLOSER AND THEN STEP BACK IN LINE. GARY ENTERED THE VIEWING ROOM AGAIN AND ASK MR. PASCAL IF THERE WAS ANYTHING ELSE OR WOULD HE LIKE TO SEE ALL OF THEM CLOSER. MR. PASCAL SAID YES. GARY STEPPED OUT AND ASK ALL THE MEN TO STEP CLOSER ABOUT 3 STEPS. GARY THEN ASK #1 TO TAKE ONE STEP FORWARD, TURN LEFT AND WALK TO THE END OF THE LINE UP AND BACK, STEP BACK IN LINE. GARY THEN ASK ALL THE MEN TO GO INTO ANOTHER ROOM. GARY ENTERED THE VIEWING ROOM AND ASK MR. PASCAL, GEORGE BUTNER, AND CHRIS ROSS TO STEP INTO HIS OFFICE. THEY LEFT THE VIEWING ROOM AT 7:29PM. IN THIS LINE UP MR. FONTENOT WAS #2. LEFT TO RIGHT 1-7.

Sgt. JAMES D. FOX
12-11-84

PG # 84-152

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EXAMINATION PROCEDURE:

WARD was advised of his rights under the Fifth Amendment to the Constitution of the United States and of his right to counsel. He acknowledged that he understood his rights and signed the written request for the polygraph examination. During the pretext interview, WARD indicated that he was familiar with the location of the McR convenience store in Ada, as well as being familiar with MICHELE HARAWAY. WARD indicated that his ex-girlfriend's name was MICHELE HARAWAY. WARD indicated that he knew MICHELE HARAWAY on sight only and did not ever date, attempt to date, or socialize with her. WARD was last in the store approximately six to eight months prior to the incident under investigation.

In regards to Saturday, April 28, 1984, WARD recalled that at approximately 1700 hours he was still at his mother's residence finishing up a plumbing job that he and ROBERT CAVINS, who is currently a guard at the Coners Correctional Center in Hominy, Oklahoma, had been working on and that they didn't finish the job until approximately 2100 hours. At this point WARD took a shower and got cleaned up and then went over to the residence of JEANETTE and MIKE ROBERTS. At that time a friend of WARD'S, identified as KARL FONTENOT, was also living at that address. That night a neighbor of the ROBERTSES, identified only by the name of GORDON who is supposed to be in the Army and said to be transferred, was having a keg party at his residence. WARD went over to the residence and joined in on the party. WARD recalls that he was there with JEANETTE ROBERTS, GORDON, KARL FONTENOT, three guys from Konawa, and four girls who he did not know. WARD indicated he stayed until approximately 2400 hours and then went home. MIKE ROBERTS was supposedly at work in Oklahoma City and was not at the party. JEANETTE ROBERTS came and left the party on numerous occasions, and WARD believed he last saw her at approximately 0200 hours.

On Sunday, April 29, 1984, WARD was at the Blue River swimming and partying and doing a little bit of fishing. With him were JEANETTE ROBERTS, KARL FONTENOT, JEANETTE'S daughter JESSICA, and FONTENOT'S girlfriend. FONTENOT and his girlfriend were driving in the girlfriend's car, and WARD drove out to the river with JEANETTE and her daughter. FONTENOT'S girlfriend owned a 1978 blue four-door Torino, while JEANETTE owned a 1979 Chevrolet half-ton pickup, beige in color, described as rough with a dent on the passenger side all the way down the side and a dent on the driver's side on the door. Also, the hood was crumpled and the vehicle was used as a work truck. The group went to the Blue River near Tishomingo and arrived in the area around noon and stayed until almost dark. On this particular day, the group returned from the river to JEANETTE'S apartment and shortly thereafter WARD left to go to Love's Country Store and took JEANETTE'S daughters, JESSICA and AMY, AMY having just arrived from Oklahoma City. FONTENOT and his

PG #84-152
Examination Procedure-Continued

girlfriend also returned from the river, however, must have stopped somewhere along the way as they never arrived at JEANETTE'S until after WARD had gone to Love's and returned to the residence.

WARD recalls that the party he had attended the night before may have been interrupted by police officers coming to the scene indicating the party was too loud. There is a possibility, however, that the police came approximately one or two nights previous to that as they had partied several nights in a row. He recalled at the last keg party there was a guy playing drums and a guitar and quite a bit of partying going on.

In response to the initial interview response of he and KARI FONTENOT being at a local pond near Ada fishing, WARD pointed out that this actually occurred on Friday, April 27, and that his brother-in-law, CAVINS, straightened him out on his dates.

WARD indicated that he knew who ADELL TITSWORTH was from school or something previously but does not recall TITSWORTH being out at the Blue River at any time. WARD also has since talked to JEANETTE ROBERTS, who now recalls that it was the 29th that the group went to the river and remembers that the keg party and WARD doing plumbing for his mother occurred on the 28th.

WARD adamantly denied being in McAnally's on the night in question or having any knowledge as to what happened during the alleged robbery and abduction of DONNA DENICE HARAWAY.